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# Nebo Wilderness Mine Survives Three Appeals

## Owner Hopes to Cut Restrictions Set by U.S. Forest Service

By Jim Woolf  
THE SALT LAKE TRIBUNE

Three appeals of a U.S. Forest Service decision to allow a gypsum mine in the Mount Nebo Wilderness area have been denied, but work is not expected to begin soon.

Jack Blackwell, deputy regional forester for the Intermountain Region of the Forest Service, has affirmed an earlier decision by the Uinta National Forest allowing Robert Steele to mine gypsum from a 59-acre claim within the wilderness area near Nephi and use an existing route through the wilderness to gain access.

The claims were filed in 1926 — 58 years before the 29,000-acre wilderness area was designated. Federal law allows the old mining claims to be developed in wilderness areas under certain circumstances.

Previous approval of the mine was appealed by Steele and Juab County, both of which argued the Forest Service approval contained inappropriate restrictions on the mine. The Utah Wilderness Association also appealed, arguing the mine would be an illegal intrusion on the wilderness.

Blackwell denied all three appeals, but required the Uinta National Forest to change some of the wording of its decision to comply with a recent Colorado court

case.

That case said the Forest Service has the authority to determine "reasonable use" of federal land that overlies private mineral rights. Blackwell ordered the Uinta National Forest to enter into negotiations with Steele and the Utah Division of Oil, Gas and Mining over appropriate environmental protection measures that will be used.

Steele said the decision is meaningless because it continues to assert federal control over his mining claim. He contends the state has sole authority to regulate his mine, and has filed a federal lawsuit to clarify the issue.

"The Forest Service still thinks they have the right to regulate, and they don't," said Steele, who in addition to being a miner is the mayor of Nephi. "They may have the right to talk to us and require some mitigation."

He concedes that the latest decision would allow him to open the mine, but said the Forest Service regulations are so restrictive that they would eat up all the profits.

"We'd be foolish having them regulate us," said Steele. "We'll let the courts decide."

George Nickas, assistant coordinator for the Utah Wilderness Association, said the Forest Service made a mistake when it approved the mine. "They're in violation of the wilderness act, and we're inclined to want to challenge it," he said.

Nickas has numerous complaints. First, he questions the validity of Steele's gypsum claims.

source of prosperity for centuries," said New York Gov. George Pataki in a prepared statement.

The New York waste will be placed in an 80-acre landfill cell at ECDC's 2,400-acre site. This is the first of 29 disposal cells the company will build during the next 30 to 40 years.

Each cell will be about 2,200 feet long, 1,100 feet wide, 60 feet deep and hold 6.3 million cubic yards of waste. A cubic yard is the amount of space within an imaginary cube measuring three feet on a side.

If they are valid, he contends that since they overlap the boundary of the wilderness area, Steele should have been required to gain access from the area of overlap rather than improving an access road that will affect portions of the wilderness outside the mining claims.

He also contends the Forest Service should have imposed much tighter controls over the type of mining. "What they are proposing is admitted to be an unreclaimable open-pit mine in the wilderness," he said.

Blackwell's new requirement that the Forest Service determine "reasonable use" of federal land overlying the mining claim adds yet another complication to this issue.

"That's going to be a difficult one," predicted Peter Karp, Uinta National Forest supervisor. "Hopefully in negotiations... we can settle on what are reasonable expectations for both of us — allowing him to get his mineral out and allowing us to protect our National Forest lands."

Gypsum is used in the production of such things as cement, fertilizers and wall board.

## Utah Gets \$60 M In Extra Tax

■ Continued from B-

Utah's tax system personal income taxes a rate taxes for spending schools. Sales taxes — now at as much as \$1 more than fiscal year dictions — go into the state fund.

Rep. Marty Stephens, of the Executive Appropriations Committee, warned against the revenues as the state can count on in state

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## N.Y. Mud To Be Shipped To Utah Dump

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by train more than 2,000 miles to the ECDC landfill near East Carbon City in Carbon County.

This is the second contract for a

